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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-423**

13 **THERESA TOTANI, AKA THERESA K.**
14 **TOTANI**

15 1158 26th St., #703
Santa Monica, CA 90403
Registered Nurse License No. 442676

ACCUSATION

Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs (Board).

22 2. On or about August 31, 1989, the Board issued Registered Nurse License No. 442676
23 to Theresa Totani (Respondent). The Registered Nurse License was in full force and effect at all
24 times relevant to the charges brought herein and will expire on August 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 safety, or welfare. . . .”

2 **COST RECOVERY**

3 10. Section 125.3 provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licensee found to have committed a violation or violations of
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Conviction of Substantially Related Crime)**

9 11. Respondent is subject to disciplinary action under sections 490 and 2761,
10 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that
11 on or about June 30, 2003, Respondent was convicted of a crime substantially related to the
12 qualifications, functions or duties of a registered nurse which to a substantial degree evidences
13 her present or potential unfitness to practice in a manner consistent with the public health, safety,
14 or welfare. The circumstances of the conviction are as follows:

15 a. On or about June 30, 2003, after pleading nolo contendere, Respondent was convicted
16 of one felony count of violating Penal Code section 487(a) [Grand Theft, to wit, \$193,012.53
17 from Saint John's Hospital and Health Center] in the criminal proceeding entitled *The People of*
18 *the State of California v. Theresa Totani* (Super. Ct. Los Angeles County, 2003, No. SA047560).
19 On or about September 10, 2008, the Court made findings that restitution to the victim was paid
20 in full, and placed Respondent on three (3) years probation. On or about October 2, 2008, the
21 Court terminated Respondent's probation, set aside the findings, vacated the plea, entered a plea
22 of not guilty, and dismissed the proceeding pursuant to Penal Code section 1203.4.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
26 that during the years 1999, 2000, 2001 and 2002, Respondent committed acts of unprofessional
27 conduct while employed as a registered nurse at Saint John's Hospital and Health Center when
28 she overstated her timesheets for time worked and received \$193,012.53 of unearned

1 compensation. Complainant refers to and by this reference incorporates the allegations set forth
2 above in paragraph 11, subdivision a, inclusive, as though set forth fully.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

- 6 1. Revoking or suspending Registered Nurse License No. 442676, issued to Respondent
7 Theresa Totani, aka Theresa K. Totani;
8 2. Ordering Respondent Theresa Totani, aka Theresa K. Totani to pay the Board the
9 reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
10 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 3/11/10

Stacie Benson
for LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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